



#11
6/18/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB00,716-D (RPI No. 600.016))

In re the Application of:

Leonid Beigelman et al.

Serial No.: 10/043,951

Filed: January 11, 2002

For: Methods for Synthesizing Nucleosides,
Nucleoside Derivatives and Non-Nucleoside
Derivatives

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) Group Art Unit: 1632
)

) Examiner: Patrick Lewis
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) Confirmation No.: 7085
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Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT MAILED APRIL 7, 2003

Dear Sir:

Responsive to the Restriction Requirement Mailed April 7, 2003, Applicants respectfully traverse the restriction, but elect the single species 3) adenosine for prosecution on the merits in the event the restriction is deemed final.

Applicants respectfully disagree that prosecuting the method claims of the instant invention would impose an undue burden upon the Examiner. Specifically, the claims are drawn to a method of synthesizing 2'-O-silyl-nucleoside phosphoramidites employing a *particular synthetic route*. In other words, the method of the claims is essentially the same, regardless of what nucleoside is employed, and thus the Examiner's search would be limited to such method.

In addition, Applicants respectfully submit that the structures of each of the twenty-four nucleosides (or purine or pyrimidine bases) are similar, i.e. they have a purine or pyrimidine backbone. Thus, the Examiner is able to conduct a search of the prior art for compounds in a small, limited genus.

For this reason, Applicants maintain that no serious burden would be imposed on the Examiner with regard to search and examination of the claimed subject matter. Applicants respectfully request reconsideration and withdrawal of the restriction requirement as it applies to the selection of the twenty-four nucleosides.

Respectfully Submitted,

Date: 6/9/03

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